UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HONEYCUTT, KRISTINA B

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/942,262	GANSKY ET AL.
	Examiner	Art Unit
	Kristina B. Honeycutt	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *6/4/02, 10/21/02*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Application filed August 28, 2001;

I.D.S.'s filed June 4, 2002 and October 21, 2002.

2.   Claims 1-45 are pending in the case. Claims 1, 12, 19, 20, 25, 43, 44 and 45 are

independent claims.

Specification

3.   Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of 50 to 150 words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether

there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information

given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure

describes," etc.

4.   The lengthy specification has not been checked to the extent necessary to

determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the

specification.

Claim Rejections - 35 USC § 112

5.   Claim 1 recites the limitation "the content" in line 9. There is insufficient

antecedent basis for this limitation in the claim. Claims 12 and 19 are rejected along the

same rationale.

6.   Claim 30 recites the limitations "the presence" in line 3. There is insufficient

antecedent basis for these limitations in the claim.

7.   Claim 34 recites the limitations "the index" in line 3 and "the number" in line 4.

There is insufficient antecedent basis for these limitations in the claim.

8.   Claim 40 recites the limitation "the hint" in line 1. There is insufficient antecedent

basis for this limitation in the claim. Claim 41 is rejected along the same rationale.

9.   Claim 42 recites the limitations "the hint" in line 1 and "the algorithm" in line 4.

There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1-8, 11-24 and 45 are rejected under 35 U.S.C. 102(e) as being

anticipated by Davies et al. (U.S. Patent 6353827).

Regarding independent claim 1, Davies discloses a method for creating a description

of a document of a remote network data source for later identification of the document,

comprising:

- receiving information from a user about a document on a remote network data

  site (col. 5, lines 38-40 – as demonstrated in the cited text, information is

  received from a user about a document);

- creating a document identifier based on the user-input information, wherein the

  document identifier identifies the particular document (col. 3, lines 59-65; col. 5,

  lines 43-48; col. 6, lines 27-37 – as demonstrated in the cited text, a "document

  identifier" is created that identifies a particular document);

- retrieving a markup language description defining properties of elements of a

  document in a markup language (col. 5, lines 53-57 – as demonstrated in the

  cited text, a markup language "description" defines "elements' properties");

- analyzing the document and the content of the document utilizing the document

  identifier and the markup language description (col. 5, lines 43-61 – as

  demonstrated in the cited text, the document and content are "analyzed");

- generating a description of the document based on the analysis (col. 4, lines 49-

  50; col. 5, lines 55-67; col. 6, lines 1-7, 27-37 – as demonstrated in the cited text,

  a "description" of the document is generated); and

- storing the document description (col. 5, lines 38-40 – as demonstrated in the

  cited text, a "description" is stored).

Regarding dependent claim 2, Davies discloses the method as recited in claim 1,

wherein:

- information received from the user includes at least one of: an identification of

  content of interest in the document, guidelines for recognizing a document, and

  guidelines for recognizing content elements of interest (col. 6, lines 52-57 – as

demonstrated in the cited text, information received from the user includes an

identification of content of interest).

Regarding dependent claim 3, Davies discloses the method as recited in claim 1,

wherein:

- the document description contains a list of elements of interest and element

  properties for the elements of interest (col. 5, lines 53-61; col. 6, lines 4-7, 23-24,

  52-57 – as demonstrated in the cited text, "description" contains "elements" of

  interest and their "properties").

Regarding dependent claim 4, Davies discloses the method as recited in claim 1,

wherein:

- the analysis of the content is for identifying elements of interest of the content of

  the document (col. 6, lines 23-24, 52-57 – as demonstrated in the cited text, the

  "analysis" is for identifying "elements" of interest).

Regarding dependent claim 5, Davies discloses the method as recited in claim 4,

wherein:

- the markup language description is used to identify properties of each of the

  elements of interest (col. 5, lines 53-57; col. 6, lines 23-24 – as demonstrated in

  the cited text, the markup language "description" identifies "properties" of each

  "element" of interest).

Regarding dependent claim 6, Davies discloses the method as recited in claim 5,

wherein:

- the elements of interest of the content are identified based on properties of each

  element (col. 5, lines 53-57; col. 6, lines 23-24, 52-57 – as demonstrated in the

  cited text, the "elements" of interest are identified based on "properties" of each

  "element").

Regarding dependent claim 7, Davies discloses the method as recited in claim 1,

wherein:

- the document analysis includes comparing the document to at least one other

  document, wherein the document description is modified to reflect at least one

  difference between the documents (col. 5, lines 14-21 – as demonstrated in the

  cited text, the "analysis" includes comparing the "description" to another

  "description" and modifying the "description").

Regarding dependent claim 8, Davies discloses the method as recited in claim 1,

wherein:

- the document analysis includes comparing the document to at least one other

  document, wherein document descriptions of each of the documents are

  modified to reflect at least one difference between the documents (col. 5, lines

  14-21 – as demonstrated in the cited text, the "analysis" includes comparing the

"description" to another "description" and modifying the "descriptions" since

Davies discloses modifying one "description" and it is obvious that if one

"description" can be modified, multiple "descriptions" can be modified).

Regarding dependent claim 11, Davies discloses the method as recited in claim 1,

wherein:

- the method is performed during creation of a transaction pattern (col. 5, lines 38-

  40 – as demonstrated in the cited text, the method is performed during a

  "transaction pattern").

Regarding claims 12-18, the claims reflect the computer program product comprising

computer code for performing the operations of claims 1-4, 7, 8 and 11 respectively and

are rejected along the same rationale.

Regarding independent claim 19, the claim reflects the system comprising logic for

performing the operations of claim 1 and is rejected along the same rationale.

Regarding claims 20-24, the claims reflect the method for performing the operations of

claims 1-3 on content, which is included in documents, and are rejected along the same

rationale.

Regarding independent claim 45, the claim reflects the method for performing the operations of claims 1-4 and 7 and is rejected along the same rationale.

11.   Claims 25-29, 31, 35-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanfilippo (U.S. Pub. No. 20030028564).

Regarding independent claim 25, Sanfilippo discloses a method for identifying a document, comprising:

- receiving a document (p.3, para. 46 – as demonstrated in the cited text, a document is received);

- receiving document descriptions of several documents (p.1, para, 20; p.2, para. 42; p.5, para. 93 – as demonstrated in the cited text, a document "descriptions" are received);

- comparing the document descriptions with the document (p.1, para. 20; p.5, para. 93; p.6, para. 101 – as demonstrated in the cited text, the "descriptions" are compared to the document);

- calculating a document recognition score for each of the document descriptions based on a likelihood that the document description matches the document (p.1, para. 20; p.2, para. 43; p.5, para. 93 – as demonstrated in the cited text, a "document recognition" score is calculated);

- selecting a document description based at least in part on the document recognition scores (p.2-3, para. 43; p.8, para. 137 – as demonstrated in the cited text, a document is selected based on the scores); and

- identifying the document based on the selected document description (p.2-3, para. 43; p.8, para. 137 – as demonstrated in the cited text, the document is identified based on the "descriptions").

Regarding dependent claim 26, Sanfilippo discloses the method as recited in claim 25, wherein:

- the document recognition score is based at least in part on recognizing properties of elements of the documents in the document descriptions (p.2-3, para. 43; p.3, para. 49; p.6, para. 101 – as demonstrated in the cited text, the score is based on recognizing "properties of elements").

Regarding dependent claim 27, Sanfilippo discloses the method as recited in claim 26, wherein:

- each of the properties is given a weight (p.7, para. 125 – as demonstrated in the cited text, "properties" are given a weight).

Regarding dependent claim 28, Sanfilippo discloses the method as recited in claim 27, wherein:

- the weights are normalized (p.6, para. 107 – as demonstrated in the cited text, weights are normalized since Sanfilippo discloses normalizing calculations and weights are calculated so its obvious that weights can be normalized).

Regarding dependent claim 29, Sanfilippo discloses the method as recited in claim 28, wherein:

- selected elements of the document are each given a content recognition score, wherein the content recognition score is a weighted sum of values returned by a property evaluation function weighted with the normalized weight of the property, wherein the content recognition scores are used to determine whether each content element is present (p.6, para. 95, 98, 101-106; p.7, para. 109, 125 – as demonstrated in the cited text, "elements" are given a score, the score is weighted and used to determine whether "elements" are present).

Regarding dependent claim 31, Sanfilippo discloses the method as recited in claim 25, wherein:

- the selection of the document is based on the document recognition scores and deviation, wherein the deviation is computed from the document recognition scores (p.2-3, para. 43; p.7, para. 114-117; p.8, para. 137 – as demonstrated in the cited text, deviation is computed and selection is based on scores and deviation).

Regarding dependent claim 35, Sanfilippo discloses the method as recited in claim

25, further comprising:

- pruning for reducing processing (p.2, para. 22; p.7, para. 112 – as demonstrated

  in the cited text, "pruning" reduces processing).

Regarding dependent claim 36, Sanfilippo discloses the method as recited in claim

25, further comprising:

- retrieving portions of the document (p.3, para. 46; p.8, para. 137 – as

  demonstrated in the cited text, portions of the document are retrieved).

Regarding dependent claim 37, Sanfilippo discloses the method as recited in claim

36, wherein:

- the portion is retrieved using a content identifier pre-associated with the portion

  (p.2, para. 42; p.5, para. 93; p.8, para. 137 – as demonstrated in the cited text,

  the portion is retrieved using a "content identifier").

Regarding dependent claim 38, Sanfilippo discloses the method as recited in claim

25, wherein:

- the method is performed during replay of a transaction pattern (p.1, para. 20; p.3,

  para. 46 – as demonstrated in the cited text, the method is performed during a

  "transaction pattern").

Regarding dependent claim 39, Sanfilippo discloses the method as recited in claim

25, wherein:

- a hint is received, wherein the hint indicates that one document description is

  more likely to match the document than another document description (p.2-3,

  para. 43; p.5-6, para. 93 – as demonstrated in the cited text, the "hint" indicates

  that one "description" is more likely to match the document than another

  "description").

Regarding dependent claim 40, Sanfilippo discloses the method as recited in claim

38, wherein:

- the hint includes an order of processing by which one document description is

  processed in respect to other documents descriptions (p.2, para. 42; p.2-3, para.

  43; p.5-6, para. 93 – as demonstrated in the cited text, the "hint" includes an

  order of processing).

Regarding dependent claim 41, Sanfilippo discloses the method as recited in claim

38, wherein:

- the hint includes a hint threshold, wherein the hint threshold is a value for

  determining when a document description matches the document (p.2, para. 25;

  p.2-3, para. 43; p. 6, para. 101; p.8, para. 137 – as demonstrated in the cited

  text, the "hint" includes a threshold, wherein the threshold determines when a

  "description" matches the document).

Regarding dependent claim 42, Sanfilippo discloses the method as recited in claim

38, wherein:

- the hint includes an order of processing by which one document description is

   processed in respect to other documents descriptions, and a hint threshold,

   wherein the hint threshold is a value that tells the algorithm when the document

   is matched (p.2, para. 25, 42; p.2-3, para. 43; p.5-6, para. 93; p. 6, para. 101;

   p.8, para. 137 – as demonstrated in the cited text, the "hint" includes an order of

   processing and a threshold, wherein the threshold determines when the

   document is matched).

Regarding independent claim 43, the claim reflects the computer program product

comprising computer code for performing the operations of claim 25 and is rejected

along the same rationale.

Regarding independent claim 44, the claim reflects the method for performing the

operations of claim 25 on content, which is included in documents, and is rejected along

the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davies et al. (U.S. Patent 6353827) in view of Potash et al. (U.S. Patent 5222236).

Regarding dependent claim 9, Davies does not disclose the document is modified,

wherein the document identifier is modified, wherein the modified document is analyzed

for modifying the document description. Potash teaches modifying a document,

document identifier and description (col. 18, lines 48-50). It would have been obvious to

one of ordinary skill in the art, having the teachings of Davies and Potash before him at

the time the invention was made, to modify the method taught by Davies to include

modifying a document, document identifier and description as taught by Potash,

because updating the identifier and description to reflect the modifications in the

document would provide the most accurate and current identifier and descriptions to the

user. It would have been advantageous to one of ordinary skill to utilize such

combination because the user would view the updated description and identifier that

corresponded to the modified document instead of viewing out-of-date descriptions and

identifiers which are irrelevant with the new modified document.

Regarding dependent claim 10, Davies discloses the document analysis includes comparing the modified document to at least one other document, wherein the document description is modified to reflect at least one difference between the documents (col. 5, lines 14-21) since Davies discloses modifying one "description" and it is obvious that if one "description" can be modified, a modified "description" can be modified again.

13.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanfilippo (U.S. Pub. No. 20030028564) in view of Kwok et al. (U.S. Pub. No. 20020165873).

Regarding dependent claim 30, Sanfilippo does not disclose the document recognition score is calculated using a formula. Kwok teaches calculating a recognition score using a formula including a summation (p.4, para. 40). It would have been obvious to one of ordinary skill in the art, having the teachings of Sanfilippo and Kwok before him at the time the invention was made, to modify the method taught by Sanfilippo to include calculating a recognition score using a formula as taught by Kwok, because summations were well-known at the time of the invention for use in calculations and using a well-known method in a formula would have allowed more users to utilize the invention since there was a familiarity with summations.

14.   Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sanfilippo (U.S. Pub. No. 20030028564) in view of Mitsui (U.S. Patent 5263159).

Regarding dependent claims 32 and 33, Sanfilippo discloses selecting descriptions

based on recognition scores and a deviation above a predetermined threshold (p.2,

para. 25; p.2-3, para. 43; p.7, para. 114-117). Sanfilippo does not disclose selecting

descriptions with a high or low document recognition score. Mitsui teaches selecting

documents with a high or low score (col. 3, lines 29-48). It would have been obvious to

one of ordinary skill in the art, having the teachings of Sanfilippo and Mitsui before him

at the time the invention was made, to modify selecting descriptions taught by Sanfilippo

to include basing selections on high and low scores as taught by Mitsui, because basing

the selection on either the high score or the low score allows for use with ascending

ranking or descending ranking. It would have been advantageous to one of ordinary

skill to utilize such combination because the user would be able to choose whether to

rank scores in ascending order (ex. 10 matches more closely than 1) or in descending

order (ex. 1 matches more closely than 10) and make selections based on the type of

ordering chosen.

15.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Sanfilippo (U.S. Pub. No. 20030028564) in view of Dong et al. (U.S. Patent 5651077).

Regarding dependent claim 34, Sanfilippo does not disclose the deviation is calculated using a formula. Dong teaches calculating a deviation using a formula including a summation (col. 9, lines 17-29). It would have been obvious to one of ordinary skill in the art, having the teachings of Sanfilippo and Dong before him at the time the invention was made, to modify the method taught by Sanfilippo to include calculating a deviation using a formula as taught by Dong, because summations were well-known at the time of the invention for use in calculations and using a well-known method in a formula would have allowed more users to utilize the invention since there was a familiarity with summations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina B. Honeycutt whose telephone number is 571-272-4123. The examiner can normally be reached on 8:00 am - 5:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KBH

STEPHEN S. HONG
PRIMARY EXAMINER